



United States Department of the Interior BUREAU OF LAND MANAGEMENT

Winnemucca District Office
Humboldt River Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445-2921
Phone: (775) 623-1500 Fax: (775) 623-1503
Email: wfoweb@blm.gov
<http://www.blm.gov/nv/st/en/fo/wfo.html>



In Reply Refer to:
5003.1 (NV024.06)

Decision Record **Effective Immediately**

DOI-BLM-W010-2013-0015-DNA

Introduction

During the summer of 2012 the Holloway Fire burned approximately 194,743 acres of combined public and private lands within the Bilk Creek (38,403 acres), Coyote Hills (15,720 acres), Horse Creek (26,766 acres), Jordan Meadows (219 acres), Kings River (66,248 acres), Little Horse (3,532 acres) Wilder Quinn (43,615 acres), and Washburn (240 acres) Allotments, which are within the jurisdiction of the Humboldt River Field Office (HRFO). After an interdisciplinary review it was determined that emergency stabilization and rehabilitation was needed to maintain and/or restore important resources affected by the fire. These resources include such components as vegetation structure, vegetative composition, wildlife habitat (especially sage grouse), riparian habitat and forage for wildlife and livestock.

Background

The Holloway fire ignited on August 5, 2012 on Holloway Mountain, which is on the border between the Burns and Winnemucca BLM Districts. Values immediately in danger included the Disaster Peak Wilderness Study Area (WSA), Preliminary Priority Habitat (PPH) for the Greater Sage Grouse (*Centrocercus urophasianus*), Preliminary General Habitat (PGH) for the Greater Sage Grouse, livestock forage, habitat for mule deer (*Odocoileus hemionus*), potential and occupied habitat for California bighorn sheep (*Ovis Canadensis californiana*) and stream habitat for the Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*).

An emergency stabilization and rehabilitation (ESR) plan was developed to identify the treatments needed to maintain and/or restore resources within the burned area and to establish a healthy, stable ecosystem.

Decision:

Given the emergency nature of stabilization treatments, this is a "Full Force and Effect" decision authorizing implementation of treatments immediately under 43 CFR 5003.1.

It is my decision to approve the Holloway Fire Emergency Stabilization and Rehabilitation (ESR) Plan as proposed in the Determination of NEPA Adequacy (DNA), DOI-BLM-NV-W010-2013-0001 (DNA), including all environmental protection measures which are attached to this decision, and monitoring subject to standard operating procedures identified in the Normal Year Fire Rehabilitation Plan and Environmental Assessment #NV-020-04-21, which are hereby incorporated into this decision.

Rationale:

The BLM has made the determination that as a result of the Holloway Fire, affected vegetative communities, particularly sage brush communities within Sage Grouse Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH), are at risk from long term habitat degradation due to the presence of invasive annual grasses and other noxious weeds within new disturbance. In addition to impacts to Sage Grouse, habitat values for Lahontan cutthroat trout, bighorn sheep, pronghorn antelope, mule deer, migratory birds, and pollinator species have also been seriously compromised. Soil resources are at risk from combined wind and water erosion, wildlife habitat values have been unacceptably compromised with limited potential for natural recovery, and other resources on the public lands are at immediate risk of erosion or other damage.

The Winnemucca District has established the Emergency Stabilization and Rehabilitation (ESR) program, which was analyzed in the Normal Year Fire Rehabilitation Plan Environmental Assessment 2004 and which has eight principle objectives:

- 1) To promptly stabilize and prevent further degradation to affected resources on lands within a fire perimeter.
- 2) To repair damages caused by fire suppression operations in accordance with approved land management plans, regulations, policies, and all relevant federal, state, and local laws.
- 3) Prevent losses of private structures and property on public lands.
- 4) To prescribe cost effective post-fire stabilization measures necessary to protect human life, property, and critical cultural and natural resources.
- 5) To repair or improve lands damaged directly by the wildland fire and unlikely to recover naturally from severe fire damage by emulating historic or pre-fire ecosystem structure, function, diversity, and dynamics.
- 6) To restore and/or establish healthy, stable ecosystems in the burned area, even if these ecosystems cannot fully emulate historic or pre-fire condition.
- 7) To restore sagebrush habitats that fall within sage-grouse/sagebrush obligate species use areas.
- 8) Deter the establishment and spread of invasive and/or noxious weeds.

Due to the presence of well-established populations of cheat grass and other invasive annual plant species within the Wyoming sagebrush project areas proposed for aerial seeding, the use of non-native species is justified due to the increased probability of successful seedling establishment, and their known competitive potential when seeded into droughty sites which are affected by invasive annual grasses. Use of annual sunflower is justified within areas which are affected by Scotch thistle. Annual sunflower has been shown to compete effectively with annual invasive plants when seeded into disturbed soils, while having a negligible or beneficial effect on the long term recruitment of desirable perennial plants over time. The use of forage kochia is also justified in the Wyoming sagebrush portion of the proposed aerial seeding area due to the history of successful germination and seedling establishment in areas that are severely droughty and compromised by the presence of invasive annual species and its extremely high forage value for wildlife.

Aerial seeding with native forbs and sagebrush would accelerate natural succession, and provide more immediate opportunity for habitat recovery for Sage Grouse and other wildlife species.

The use of live stakes (canes of willow, cottonwood, or other species which will successfully root when placed into water or wet soils) and/or other stream stabilization tools described in the DNA would mitigate risk of offsite sedimentation, increase shading of the stream channel, accelerate recovery of diverse stream bank vegetation, and would mitigate risk of accelerated stream bank erosion in severely burned riparian areas by reducing water velocity and presenting opportunity for sediment drop-out.

Monitoring will be oriented toward addressing the following questions: 1) Have the desirable species been successfully established and do they provide sufficient cover to adequately protect the site from soil erosion? 2) Is there evidence that a self-sustaining community has established? 3) Are vegetative reproduction and establishment of the desirable species occurring? When possible, all monitoring sites will have adjacent, non-treated reference sites established to compare results of treatments. Density and cover measurements will be utilized to determine the effectiveness of the seeding treatment.

ESR treatment efficacy objectives are defined as follows:

For livestock temporary grazing closures:

1. Objectives for livestock grazing closure are defined within the livestock grazing closure decision record(s) and are allotment specific.

For aerially seeded areas:

1. Obtain an average of 1 seeded, desirable, perennial plant per square meter.
2. Obtain an average of 1 sagebrush plant per 3 square meters (only where sagebrush seed is included within seed mix)
3. Obtain 50% or greater perennial cover of the low potential perennial plant cover for the appropriate ecological site.
4. Obtain the above results by the end of the third year after fire containment, which occurred on 08/25/2012.

For hand planting:

1. Obtain an overall seedling survival rate of 70% or greater after the end of the first dry season (estimated to occur from June-October) after planting.
2. Obtain an overall seedling survival rate of 50% or greater after the end of the second dry season (estimated to occur from June-October) after planting.
3. Obtain new shoot production on 50% or greater of surviving plants during the second growing season after planting.

For invasive species management:

1. Thoroughly inventory and document areas infested by noxious weeds within the Holloway Fire perimeter.
2. Prohibit noxious weed infestations from expanding beyond their current size, and reduce or eliminate infestations where possible, with critical resource areas being prioritized for control efforts.

For stream stabilization activities:

1. Monitor stream and riparian habitats to allow for comparison of post-fire impacts to existing baseline (pre-fire) information.

For areas identified as natural recovery areas:

1. Achieve 20% (or greater) of the lower potential perennial cover identified for the relevant ecological site (or range site where ecological site description has not been established) by the end of the third year after fire containment, which occurred on 08/25/2012.

The actions identified in this decision have received National Environmental Policy Act (NEPA) review in a Determination of NEPA Adequacy, DOI-BLM-NV-W010-2013-0001 (DNA).

Hardcopies of the DNA are available upon request. On the basis of the information contained in the DNA, it is my determination that implementation of the management actions will not have environmental impacts beyond those already addressed in the NEPA documents identified in the DNA.

- The proposed action is in conformance with and is consistent with the Paradise-Denio Management Framework Plan (MFP).
- Based on the environmental analysis, it is determined that the proposed action will not result in any undue or unnecessary environmental degradation of the public lands and is consistent with federal, state, and local laws, regulations, policy, and plans.
- The proposed action will not adversely impact any threatened or endangered species or significant scientific, cultural, or historical resources.

Conformance:

The actions proposed are in conformance with the following documents:

LUP Name*_ Paradise-Denio Management Framework Plan (MFP)

Date Approved__1982_____

Other document_ Winnemucca District Fire Management Plan ____

Date Approved__September 2004__

The Winnemucca District Normal Year Fire Rehab Plan

Date Approved__2004__

Applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action:

- **Vegetation Treatment on BLM Lands in Thirteen Western States Environmental Impact Statement** Record of Decision 1991.
- **Normal Year Fire Rehabilitation Plan Environmental Assessment** EA# NV-020-04-21, Decision Record and Finding of No Significant Impact 8/19/04.
- **Vegetation Treatment Using Herbicides on BLM Lands in Seventeen Western States Programmatic Final Environmental Impact Statement**, Record of Decision 9/29/07.
- **Integrated Weed Management Environmental Assessment** NV-020-02-19, Decision Record and Finding of No Significant Impact 8/27/02.
- **USFWS Biological Opinion for the Normal Year Fire Rehabilitation Plan** (August 2004)
- **IM 2012-043 Greater Sage Grouse Interim Management Policies & Procedures/A Report on National Greater Sage-Grouse Conservation Measures.** Produced by: Sage-grouse National Technical Team, 12/21/2011 (pp 27)
- **IM 2012-044 BLM National Greater Sage-Grouse Land Use Plan Strategy.**
- **USFWS Utah Field Office Guidelines for Raptor Protection From Human and Land Use Disturbances (2002).**

Authority:

This wildfire management decision is issued under **43 CFR 5003.1** and is effective immediately.

Consultation and Coordination in Development of the DNA:

Coordination with Nevada Department of Wildlife and U.S. Fish and Wildlife Service, University of Nevada-Reno, Western Watersheds Project, Humboldt County, NV, affected livestock permittees, and consultation with the Summit Lake Paiute Tribe and McDermitt Paiute and Shoshone tribes by the Native American Coordinator and Winnemucca District line officers

has occurred for this project. A pre-planning field trip occurred with the Interdisciplinary Team and other interested parties to assess the fire area and possible treatments.

Administrative Review or Appeal Opportunities.

The BLM has made the determination that vegetation, soil, or other resources on the public lands are at immediate risk of erosion or other damage due to wildfire. Thus, notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. Appeal of this decision may be made to the Interior Board of Land Appeals in accordance with 43 CFR 4.410. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed.

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Edward Seum, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

Preparer Eric Baxter /s/ 12/28/2012

Authorized Officer Signature

Edward Seum /s/ _____ Date 12/28/2012

Attachment

Attachment A: Environmental Protection Measures

Stream Stabilization will observe the following environmental protection measures:

- 1) All locations would be reviewed by a BLM wildlife biologist for presence of Threatened, Endangered, Sensitive, and Special Status Species. If biologist site review determines that any Threatened, Endangered, Sensitive, or Special Status species are present, the site would be dropped from consideration (avoided) until further NEPA analysis, US Fish and Wildlife Service consultation (as needed) and/or Documentation of NEPA Adequacy is successfully completed.
- 2) Any stream stabilization action proposed within a LCT-occupied watershed will not occur without coordination and consultation with US Fish and Wildlife Service.ⁱ

Road Repair

- 1) All work will occur within the existing, mapped road prism, and would be maintenance of existing administrative facilities. No new construction or improvements are proposed.
- 2) All terrestrial equipment (e.g. vehicles, hand tools, tractors, etc.) to be used in treatments will be washed offsite prior to being brought to the project site, to avoid spreading noxious weed seeds.ⁱ

Temporary Livestock Grazing Closures

- 1) Temporarily close the affected watershed and/or stream channel to permitted livestock grazing until objectives defined within the grazing closure decision are met. The appropriate length of time for temporary closure to livestock grazing will be determined on a site-specific basis based on on monitoring/resource data, scientific principles, and subject matter expertise/professional observations. Site-specific monitoring will determine when resource objectives have been achieved on specific burned areas. Site-specific vegetative recovery objectives will be identified by the interdisciplinary review team and included in the Notice of Closure to Livestock Grazing issued in accordance with 43 CFR 4110.3-3, subject to the provisions of 43 CFR 4160.ⁱ

Aerial Seeding and Hand Seeding

- 1) No seeding would be allowed within or immediately adjacent to known and documented populations of special status plant species unless it is determined that the seeding would not be detrimental of the habitats or populations of the affected special status plant species.ⁱ
- 2) Aerial seeding within the Disaster Peak WSA will utilize only site-adapted native species seed.

- 3) Aircraft landing/loading operations will occur outside of the Disaster Peak WSA.

Hand Planting

- 1) Treatments will follow restriction based on avoidance buffers and season of use restriction within sage grouse habitat. All treatments identified will be in accordance with Instruction Memorandums WO-IM-2012-043, Greater Sage-Grouse Interim Management Policies and Procedures and WO-IM-2010-149, Sage-Grouse Conservation Related to Wildland Fire and Fuels Management.
 - 2) For any proposed actions that are not performed outside of the migratory bird breeding season (March 1- August 31), a migratory bird nesting survey will be conducted by BLM wildlife specialists, or personnel approved by BLM wildlife specialists, in potential habitat areas no more than 10 days and no less than 3 days prior to initiation of disturbance. If active nests are located, a minimum 260 ft. protective buffer will be established or rehabilitation activities delayed until the birds have completed nesting and brood-rearing activities.
 - 3) All National Register of Historic Places (NRHP) eligible or unevaluated sites will be avoided during the course of this project. A BLM archaeologist will be involved as detailed plans are developed for each phase of the implementation of this project to ensure avoidance is factored into the detailed project designs. An archaeologist will review plans for each phase of the project's implementation to ensure avoidance of NRHP eligible or unevaluated sites.
 - 4) Any unanticipated archaeological discovery on BLM lands will be reported to a BLM archaeologist and work in the immediate vicinity will stop until SHPO and tribes are consulted by the line officer.
 - 5) Prior to implementation of treatments, pygmy rabbit surveys will be conducted in areas of suitable habitat. A 400 ft. avoidance buffer will be established around any active pygmy rabbit burrows and burrow complexes found.
 - 6) During the raptor breeding season, January 1 through August 31, control of noxious weeds would be implemented or delayed in accordance with spatial and temporal recommendations defined in the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (USFWS 2002).
- In addition, a burrowing owl survey will be conducted by BLM wildlife specialists or personnel approved by BLM wildlife specialists, in potential habitat areas no more than 10 days, and no less than 3 days prior to initiation of disturbance. If active burrows are located, a minimum 260 ft. protective buffer will be established or rehabilitation activities delayed until the birds have completed nesting and brood-rearing activities.
- 7) Existing, documented populations of lonesome milk vetch or other special-status plants that occur near proposed treatment areas will be flagged and avoided.

- 8) No hand planting activities will be conducted within 0.6 miles of Sage Grouse lek sites during the sage-grouse lekking and nesting seasons from March 1st through June 30th. Greater Sage-Grouse nest and brood surveys in areas proposed for hand planting will be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. If active nests and/or broods are located, rehabilitation activities will be delayed until the grouse have voluntarily left the area.
- 9) All terrestrial equipment (e.g. vehicles, hand tools, tractors, etc.) to be used in treatments will be washed offsite prior to being brought to the project site, to avoid spreading noxious weed seeds.

Invasive Plants Management

- 1) Standard safety procedures and standard operating procedures would be strictly followed.ⁱⁱ
- 2) During the raptor breeding season, January 1 through August 31, control of noxious weeds would be implemented or delayed in accordance with spatial and temporal recommendations defined in the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (USFWS 2002).

Control of noxious weeds would not be conducted within 0.6 miles of active Sage Grouse leks during lekking and nesting season from March 1st through June 30th. Greater Sage-Grouse nest and brood surveys in areas proposed for noxious weeds control efforts will be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. If active nests and/or broods are located, rehabilitation activities will be delayed until the grouse have voluntarily left the area.

In addition, a burrowing owl survey will be conducted in potential habitat areas no more than 10 days, and no less than 3 days prior to initiation of disturbance. If active burrows are located, a minimum 260 ft. protective buffer will be established or rehabilitation activities delayed until the birds have completed nesting and brood-rearing activities.

- 3) For any proposed actions that are not performed outside of the migratory bird breeding season (March 1- August 31), a migratory bird nesting survey will be conducted in potential habitat areas no more than 10 days and no less than 3 days prior to initiation of disturbance. If active nests are located, a minimum 260 ft. protective buffer will be established or rehabilitation activities delayed until the birds have completed nesting and brood-rearing activities.
- 4) All landowners within the treatment areas are welcome to attend training of proper identification and growth stages of noxious weeds before treatment. Periodic compliance checks of the weed control activities would be done during the treatment period with the BLM and the affected landowners. A monitoring and evaluation program would be

cooperatively developed between all the affected landowners within the treated sites to assess annual progress of the Integrated Weed Management Program.ⁱⁱ

5) The Nevada Division of Water Resources (NDWR) would be given the opportunity to review and comment on any proposed monitoring program.ⁱⁱ

6) Prior to any control efforts, Native American concerns would be solicited in accordance with the Native American consultation regulation and policy.ⁱⁱ

7) The Ft. McDermitt Paiute and Shoshone tribe will be given 2 weeks notification before any spray operations are conducted.ⁱⁱ

8) Herbicides would be calculated and purchased only in quantities needed to complete each BLM spot treatment and contractor applied treatment. Label directions would be strictly followed.ⁱⁱ

9) Prior to any chemical treatment, areas would be evaluated for the presence of riparian areas, special status plants and animals, or if they are cultural sites. No chemical application would occur within 50 yards of any Threatened, Endangered, Sensitive, or Special Status species.ⁱⁱ

10) Re-applications of the herbicide would not be less than the persistence factor identified for any product selected for use.ⁱⁱ

11) Ground applications of herbicides (including backpack and power sprayer) would be limited to spraying the target weeds and the surrounding ground for 10 feet. Backpack applications of liquids would occur only at low nozzle pressure and at ground level. Granular formulations would be applied by broadcast spreaders or by hand within 3.5' of the ground.ⁱⁱ

12) Ground application of granular formulations would be done in wind speeds not exceeding 10 miles per hour (mph). Ground applications of liquids would not occur when wind speeds exceed 8 mph.ⁱⁱ

13) The BLM would notify the livestock grazing permittee(s) when herbicides are used on grazing allotments. Phenology of target species and multiple use objectives would also be considered.ⁱⁱ

14) The use of herbicides near water would be based on the buffer requirements established in the BLM Chemical Pest Control Manual, Handbook H-9011-1; distance from water (in horizontal feet) would be as follows: 10 feet backpack, 25 feet for vehicle mounted spreader of granular formulations, and 50 feet for vehicle mounted sprayer of liquids.ⁱⁱ

15) No herbicide application would be conducted when rain (greater than 50% chance) is predicted within 24 hours of treatment. The BLM would use the Interagency Fire Dispatch Center for weather reports for rain predictions.ⁱⁱ

16) Treatments will follow restriction based on avoidance buffers and season of use restriction within sage grouse habitat. All treatments identified will be in accordance with Instruction Memorandums WO-IM-2012-043, Greater Sage-Grouse Interim Management Policies and Procedures and WO-IM-2010-149, Sage-Grouse Conservation Related to Wildland Fire and Fuels Management.

17) Herbicides will be applied only by a state and federally certified pesticide applicator. All applications will be in accordance with the instructions and standard operating procedures identified on the product label(s).

ⁱ **Normal Year Fire Rehabilitation Plan Environmental Assessment** EA# NV-020-04-21, Decision Record and Finding of No Significant Impact 8/19/04.

ⁱⁱ **Integrated Weed Management Environmental Assessment** NV-020-02-19, Decision Record and Finding of No Significant Impact 8/27/02.